

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA  
AT BECKLEY

ALEXANDER LAMONT MCCRAE,

Plaintiff,

v.

CIVIL ACTION NO. 5:05-0461

TROTTER LAWSUIT SETTLEMENT  
ADMINISTRATOR, et al.,

Defendants.

MEMORANDUM OPINION AND JUDGMENT ORDER

By Standing Order entered on July 21, 2004, and filed in this case on June 7, 2005, this action was referred to United States Magistrate Judge R. Clarke VanDervort for submission of proposed findings and a recommendation. Magistrate Judge VanDervort filed his proposed findings and recommendation on December 8, 2005. In that filing, the magistrate judge recommended that this court (1) deny plaintiff's application to proceed in forma pauperis, (2) dismiss plaintiff's complaint for declaratory relief without prejudice, and (3) direct the clerk to remove this matter from the Court's active docket.

In accordance with the provisions of 28 U.S.C. § 636(b), the parties were allotted ten days, plus three mailing days, in which to file any objections to Magistrate Judge VanDervort's Findings and Recommendation. No party has filed objections within the requisite period, and the failure of any party to file such objections constitutes a waiver of such party's right to a de


novo review by this court. Thomas v. Arn, 474 U.S. 140 (1985); Snyder v. Ridenour, 889 F.2d 1363 (4th Cir. 1989).

Having reviewed the Proposed Findings and Recommendation filed by the magistrate judge, the court adopts the findings and recommendations contained therein. Accordingly, the court hereby (1) **DENIES** plaintiff's application to proceed in forma pauperis (Doc. No. 2), (2) **DISMISSES** without prejudice plaintiff's complaint for declaratory relief (Doc. No. 1), and (3) **DIRECTS** the clerk to remove this matter from the court's active docket.

The Clerk is directed to mail a copy of this order to all counsel of record, the plaintiff, pro se, and Magistrate Judge VanDervort.

**IT IS SO ORDERED** this 2nd day of February, 2006.

ENTER:

A handwritten signature in cursive script, reading "David A. Faber", is written over a horizontal line.

David A. Faber  
Chief Judge